

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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TREADSTONE 77, INC. and JERRY HAUSER :

Plaintiffs, :

07 Civ. 8454 (RMB)

-against- :

ORDER

LAWRENCE A. OMANSKY, et al. :

Defendants. :
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By order dated November 19, 2007, and upon consent of the parties, the Court dismissed from this case Defendant J. Michael McMahon, Clerk of Court, United States District Court, Southern District of New York. Thereafter, Plaintiffs submitted a letter to the Court stating correctly that "there appears to be no basis for this Honorable Court to retain jurisdiction over the case following dismissal as against the Clerk" (Letter from Noel W. Hauser to Hon. Richard M. Berman, dated Nov. 19, 2007, at 1.)

As subject matter jurisdiction has not been alleged with regards to the remaining claims and defendants, the remainder of the case should be and hereby is remanded to state court. Infante ex rel. Wilborne v. Bronx Lebanon Hosp. Ctr., No. 07 Civ. 846, 2007 WL 1334966, at *2 (S.D.N.Y. May 7, 2007); see also 28 U.S.C. § 1447(c).

ORDER

The Clerk of the Court is respectfully requested forthwith to remand this action to New York State Supreme Court, New York County.

Dated: New York, New York
November 20, 2007

RMB

Richard M. Berman, U.S.D.J.

